

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

GENERAL ELECTRIC COMPANY,

and

INSTRUMENTARIUM OYJ,

Defendants.

CASE NUMBER: 1:03CV01923
JUDGE: Hon. Royce C. Lamberth
DECK TYPE: Antitrust

**UNITED STATES' CERTIFICATE OF COMPLIANCE
WITH THE ANTITRUST PROCEDURES AND PENALTIES ACT**

Plaintiff, the United States of America, hereby certifies that it has complied with the provisions of the Antitrust Procedures and Penalties Act, 15 U.S.C. §§ 16(b)-(h) ("APPA"), and states:

1. The Complaint, proposed Final Judgment, and Hold Separate Stipulation and Order, by which the parties have agreed to the Court's entry of the Final Judgment following compliance with the APPA, were filed on September 16, 2003. The United States filed its Competitive Impact Statement on October 30, 2003;
2. Pursuant to 15 U.S.C. § 16(b), the United States published the proposed Final Judgment, Hold Separate Stipulation and Order, and Competitive Impact Statement in the *Federal Register* on November 12, 2003, Volume 68, Number 218, beginning on page 64114 (a copy of which is attached as Exhibit 1);
3. Pursuant to 15 U.S.C. § 16(b), the United States furnished copies of the Complaint, Hold Separate Stipulation and Order, proposed Final Judgment, and Competitive Impact Statement to anyone requesting them;
4. Pursuant to 15 U.S.C. § 16(c), the United States published a summary of the terms of the proposed Final Judgment and Competitive Impact Statement in *The Washington Post*, a newspaper of general circulation in the District of Columbia, during the period of November 9-16, 2003 (a copy of the Proof of Publication

from *The Washington Post* is attached as Exhibit 2);

5. The 60-day comment period specified in 15 U.S.C. § 16(b) commenced on November 12, 2003 and terminated on January 12, 2004. During that period, the United States received one comment on the proposed Final Judgment. The United States evaluated and responded to the comment and filed with the Court the comment and response on January 30, 2004. Pursuant to 15 U.S.C. §§ 16(b) and (d), the United States published the comment and its response in the *Federal Register* on January 29, 2004, Volume 69, Number 19, beginning on page 4318 (a copy of which is attached as Exhibit 3);
6. Defendant General Electric Company filed on February 9, 2004, a Notice that describes its communications with employees of the United States concerning the proposed Final Judgment, as required by 15 U.S.C. § 16(g);
7. The comment did not persuade the United States to withdraw its consent to entry of the proposed Final Judgment. With the United States having published its proposed settlement, filed and published its Response to Public Comment, the parties have fulfilled their obligations under the APPA. Pursuant to the Hold Separate Stipulation and Order filed on September 16, 2003 and entered by this Court on October 1, 2003, and 15 U.S.C. § 16(e), the Court may now enter the Final Judgment, if the Court determines that the entry of the Final Judgment is in the public interest; and
8. Plaintiff requests that this Court enter the Final Judgment without further hearings and is authorized by counsel for defendants to state that defendants join in this request.

Dated this 12th day of February 2004.

Respectfully submitted,

_____/s/_____
Joan Hogan
Litigation III Section
Antitrust Division
United States Department of Justice
325 7th Street, N.W., Suite 300
Washington, D.C. 20530

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing United States' Certificate of Compliance with the Antitrust Procedures and Penalties Act was served on the following counsel, by electronic mail in PDF format, this 12th day of February 2004:

Deborah L. Feinstein
Arnold & Porter
555 Twelfth Street, N.W.
Washington, D.C. 20004-1206

_____/s/_____
Joan Hogan
Litigation III Section
Antitrust Division
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